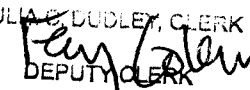


FEB 02 2012

JULIA E. DUDLEY, CLERK
BY: 
DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
LYNCHBURG DIVISION

MICHAEL W. GRAYBILL,

Plaintiff,

v.

MICHAEL ASTRUE, COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

CIVIL ACTION NO. 6:11-cv-00002

ORDER

JUDGE NORMAN K. MOON

On June 20, 2011, I referred this case to United States Magistrate Judge B. Waugh Crigler for proposed findings of fact and a recommended disposition. The parties subsequently filed cross motions for summary judgment, and on January 11, 2012, Judge Crigler filed a Report and Recommendation ("Report") recommending that Plaintiff's motion be granted, that the Commissioner's final decision be reversed, and that the case be recommitted to the Commissioner to calculate and pay proper benefits. After a review of the entire record in this case, and no objection having been filed to the Report within fourteen days of its service upon the parties, I adopt the Report in its entirety.

Accordingly:

1. the Report of January 11, 2012, is hereby ADOPTED in its entirety;
2. Plaintiff's motion for summary judgment (docket no. 15) is hereby GRANTED;
3. Defendant's motion for summary judgment (docket no. 18) is hereby DENIED;
4. Defendant's final decision is hereby REVERSED; and

5. this action is hereby REMANDED to the Commissioner for the sole purpose of calculating and paying proper benefits, which shall be done in a manner consistent with the direction and recommendations given in the Report.

The Clerk of the Court is directed to send a certified copy of this Order to all counsel of record and to United States Magistrate Judge B. Waugh Crigler.

It is so ORDERED.

Entered this 2nd day of February, 2012.



NORMAN K. MOON
UNITED STATES DISTRICT JUDGE